

Application No. 10/824,802
Art Unit 3644
Reply to Office Action of May 3, 2006
Attorney Docket No. IPM1.PAU.06

Patent Application

REMARKS

INTRODUCTION

This Amendment is responsive to the Office Action of May 3, 2006. Applicant has enclosed herewith a Request for Continued Examination (RCE), an Interview Summary, and a Request for a 1-Month Extension of Time. Claims 1, 14, 20 and 23 have been amended herein. Thus, Claims 1-3 and 6-25 remain pending in this case. Reexamination and reconsideration are respectfully requested.

Please charge any deficiency or credit any over payment to Deposit Account No. 01-1960.

GENERALLY

Applicant would like to thank Examiner Alimenti for the telephone interview conducted with Applicant's counsel, Mr. Vic Lin, on September 1, 2006. Applicant has amended the claims herein pursuant to the suggestions discussed during the interview. In particular, Applicant has amended independent Claims 1, 14, 20 and 23 to generally include the following additional features:

- the straight horizontal trigger portion extending substantially along the length of the base;
- at least one spring being positioned adjacent to a side of the base so as to leave a central gap;
- the straight horizontal trigger portion extending through the central gap;
- the spring defining a longitudinal axis;

Application No. 10/824,802
Art Unit 3644
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Attorney Docket No. IPM1.PAU.06

Patent Application

- the straight horizontal trigger portion extending beneath the longitudinal axis of the spring; and
- the catch being disposed adjacent to a second end of the base so as to directly engage the snap bar.

The amended claims are now allowable over the cited prior art references as discussed in detail below.

CLAIM REJECTIONS – CLAIMS 1-3, 6-8, 12-16, 20-23 & 25 – § 102(b)

Claims 1-3, 6-8, 12-16, 20-23 and 25 were rejected under 35 USC 102(b) as being anticipated by McCrimmon (US 2,426,973).

As discussed in the telephone interview, McCrimmon requires a trip wire to load the snap bar since the catch is disposed towards the center, or mid-point, of the base between the two ends. Furthermore, since the spring in McCrimmon is disposed beneath the base (see Figure 3), the horizontal portion of trigger cannot extend beneath the longitudinal axis defined by McCrimmon's spring.

Applicant has amended the independent claims to recite that the straight horizontal portion extends substantially along the length of the base. This enables the catch located on the vertical portion to be located adjacent to the second of the base so as to directly engage the snap bar in the loaded position. Thus, Applicant's claimed invention obviates the need for a trip wire. The independent claims have been amended to recite that the catch directly engages the snap bar.

Applicant has also amended the independent claims to recite that at least one spring, which biases the snap bar, is positioned adjacent to a first or second side of the

Application No. 10/824,802
Art Unit 3644
Reply to Office Action of May 3, 2006
Attorney Docket No. IPM1.PAU.06

Patent Application

base so as to leave a central gap. This enables the straight horizontal portion to extend through the central gap and beneath a longitudinal axis defined by the snap bar. The horizontal trigger portion in McCrimmon does not extend beneath the axis of the spring, nor can it do so since the spring is located beneath the base.

Furthermore, McCrimmon's spring is not located off to the side so as to provide a central gap through which the horizontal trigger portion may extend. The reference does not provide any motivation to do so since the spring is located beneath the base anyway; therefore, no part of McCrimmon's spring would stand in the way of the horizontal trigger portion, as opposed to a spring that is located on top of the base as in Applicant's claimed invention.

Claims 23-25 were rejected under 35 USC 102(b) as being anticipated by Bunker.

As discussed in the telephone interview, Bunker's horizontal trigger portion is not substantially straight, or flat, throughout its length. Applicant has amended the independent claims to recite that the straight horizontal trigger portion extends substantially along the length of the base.

The reason why Bunker's horizontal trigger portion is not straight is because the horizontal portion travels over the top of the axis of the spring, thereby requiring a curve or bend to bring the bait portion back down so as to be engaged by a rodent. Applicant has further amended the independent claims to recite that the straight horizontal trigger portion extends beneath the longitudinal axis defined by the spring.

Furthermore, Applicant has amended the independent claims to recite that at least one spring is located adjacent to a first or second side of the base so as to leave a

Application No. 10/824,802
Art Unit 3644
Reply to Office Action of May 3, 2006
Attorney Docket No. IPM1.PAU.06

Patent Application

central gap along the longitudinal axis. This central gap enables the straight horizontal trigger portion to extend therethrough while still being disposed beneath axis of the spring. Bunker's spring does not leave a central gap for horizontal trigger portion to extend through.

CLAIM REJECTIONS – CLAIMS 1-3, 6-14, 15, 17-23 & 25 - § 103(a)

Claims 1-3, 6-8, 12-14, 15, 20-23 and 25 were rejected under 35 USC § 103(a) as being unpatentable over Hooker (US 580,594) in view of O'Hara (US 5,488,800). The Office Action states that Hooker discloses the claimed invention except for trigger portion not being vertically integral with the trigger bar.

The horizontal trigger portion in Hooker is not substantially straight. In fact, the horizontal portion includes a bend that goes beneath the one-piece spring into a slot formed in the base.

Applicant's straight horizontal portion extends substantially across the length of the base, yet beneath the longitudinal axis of the spring. This is enabled by at least one spring being disposed adjacent to a side of the base so as to leave a central gap through which the straight horizontal trigger portion may extend. The spring in Hooker does not leave a central gap, but rather substantially occupies the space from one side of the base to the other, thereby requiring the bend in the horizontal portion and the corresponding slot formed in the base. The addition of Bunker to Hooker nonetheless fails to disclose these claimed features.

Claims 9-11 and 17-19 were rejected as being unpatentable over Hooker in view of O'hara on the ground that Hooker discloses the claimed invention except for the

Application No. 10/824,802
Art Unit 3644
Reply to Office Action of May 3, 2006
Attorney Docket No. IPM1.PAU.06

Patent Application

adhesive on the platform. However, as discussed above, the Hooker reference does not disclose the features now included in the independent claims.

Claims 9-11 and 17-19 were rejected as being unpatentable over McCrimmon in view of O'hara on the ground that McCrimmon disclosed the claimed invention except for the adhesive on the platform. As discussed above, McCrimmon fails to disclose all the features now recited in the amended independent claims. The addition of O'hara nonetheless fails to disclose all the recited claim limitations.

Therefore, Applicant respectfully submits that each independent claim is allowable over all prior art currently of record. Applicant further submits that the dependent claims are allowable over the cited reference for their dependence on allowable independent claims, for the further patentable features recited therein, and for any further grounds as may be recognized by the Examiner.

SUMMARY

Based on the above amendments and accompanying remarks, Applicant respectfully submits that all pending claims are in condition for allowance and respectfully requests a Notice of Allowance. Applicants encourage the Examiner to telephone the undersigned attorney if it appears that a telephone conference would facilitate allowance of the application.

Application No. 10/824,802
Art Unit 3644
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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

September 5, 2006

by Eric Hoover



Signature

September 5, 2006

Respectfully submitted,



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